IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 281 OF 2007

Pandurang Baban Kamble] .. Petitioner

Versus

1. State of Maharashtra & 4.] .. Respondents

Mr. R.K. Mendadkar for the petitioner.

Mr. S.S. Bhende, AGP, for the respondents No.1, 2 & 4.

CORAM: S.B. MHASE, &
R.S. MOHITE, JJ.

DATED: 26TH APRIL, 2007

P.C. :

. Heard.

2. The petitioner was appointed as a Peon and he was granted approval subject to the production of his caste verification as a "Mahadeo Koli". Since, as per the approval order the Caste Validation Certificate was not produced, the Management, by the order dated 23rd August, 2006, terminated the services of the petitioner. Thereafter, the petitioner filed Petition No.6777 of 2006 which was disposed of by this Court by order dated 16th October, 2006, and the grievance made therein was that the caste validation of the petitioner be directed

to be decided expeditiously. Therefore, this Court directed that the Scrutiny Committee shall decide the caste validation of the petitioner within one month from the date of receipt of a copy of the order of the Court. That petition was, accordingly, disposed of. Thus, it appears that in the said Petition, the order dated 25th August, 2006, which could have been appealed was not appealed and the present Petition has been filed on 15th December, 2006, and now a grievance is made that since the claim is pending before the Scrutiny Committee, the protection be offered to the petitioner.

3. Firstly, it appears that the claim must have been decided as per our directions dated 16th October, 2006. Secondly, the Petition suffers from delay and latches because the relief in respect of the order dated 23rd August, 2006, could have been equally asked in Writ Petition NO. 6777 of 2006. That was not done. It is quite possible that when the Petition No.6777 of 2006 was filed, probably the application must not have been pending before the Scrutiny Committee, but directions were obtained that the Scrutiny Committee will decide the matter within one month, the petitioner should have proceeded for contempt as against the Scrutiny Committee. Instead, the petitioner has filed the present Petition.

4. It appears that the petitioner is not coming with clean hands before this Court and, therefore, we refrain to entertain the Petition and it is hereby rejected.

Sd/-
[R.S. MOHITE, J.]

Sd/-
[S.B. MHASE, J.]